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CRIME IN ITS RELATION TO SOCIAL PROGRESS. By Arthur Cleveland Hall. New York: The Columbia University Press. The Macmillan Co., Agents. London: P. S. King & Son. 1902. pp. xvii, 427. 8vo.

The main thesis of this book is, that the apparent increase in convictions for crime in some of the most advanced nations during the last century is not a sign of decadence. One would think that a book as big as this would not be necessary to prove anything so self-evident. The creation of novel, petty crimes and the more certain detection and punishment of older crimes much more than account for the apparent increase. When we find a court with its jurisdiction nearly constant and study its records during the century we find quite another story. In the Old Bailey and the Central Criminal Court of London, for instance, with a not greatly increased jurisdiction or tale of crimes, the number of prosecutions enormously decreased during the nineteenth century.

But the science of criminology cannot, it appears, be established by so simple a method as by the statement of axioms and the test of these axioms by the facts. Through devious paths the way is most satisfactory. And Doctor Hall's method of proving his axiom is devious enough. The steps are as follows:—

1. "Crime is any act or omission to act *punished* by society as a wrong against itself" (p. 10). "If forbidden and punishable by law, but not actually punished, the act is not an abstract crime." "It is necessary always to remember that no action is a crime unless society actually punishes it as a wrong against itself. No amount of legal prohibition will suffice, unless the laws are enforced" (p. 277). "Piracy was not a crime at the beginning of the eighteenth century, for it was not punished to any extent, and successful pirates were greatly admired by the lower classes" (p. 257). "The laws remained dead letters, and consequently the acts they were directed against were not crimes" (p. 193). "Crime ceases to be punished. Crime ceases to be crime" (p. 153).

2. Having assumed this unique meaning for the word crime, it follows that where there are few crimes the nation is either so torn with war and anarchy that it cannot feel the pin-pricks of mere transgression, or else it is so weak as not to be able to resent and punish.

3. Consequently an increase of crime indicates an awakening to faults and the power of redressing them.

4. Finally, since crime is greatly increasing in modern civilization, we are advancing, not decadent.

A weak point here is, that the "crime" which according to Doctor Hall is increasing, is crime not in his sense but in the ordinary sense—acts punishable by the law.

This book shows many excellent qualities; industry, clearness and firmness of purpose, patience in the development of the theme, and intelligent optimism. It is marred by the faults pointed out: a fundamental misuse of the principal word of its title (leading finally to confusion), and a labored attempt to prove that progress progresses. This may indicate imperfect mastery of the facts, or immature judgment. In either case, the book might be fundamentally improved in a second edition.

J. H. B.

A TREATISE ON THE AMERICAN LAW OF REAL PROPERTY. By Emory Washburn, Bussey Professor of Law in Harvard University. Sixth Edition by John Wurts, Professor of the Law of Real Property in the Yale Law School. 3 vols. Boston: Little, Brown, & Co. 1902. pp. clxx, 579; iv, 706; iv, 636. 8vo.

"The training of a lawyer should not only enable him to perceive and understand abstract truths in detail, but to contemplate them in their relations and bearings to each other, so as, out of them, to elicit new truths, and, in this way, to grasp and comprehend the problems of law and government with which he will have to engage." So spoke Professor Washburn in his closing address to the students of the Harvard Law School, in 1876. In the same spirit he had, in